

Regular Session, 2010

SENATE BILL NO. 10

BY SENATOR N. GAUTREAUX

CRIME/PUNISHMENT. Provides for certain incidents when an incarcerated prisoner must be tested for certain diseases. (8/15/10)

AN ACT

To amend and reenact R.S. 15:739(A) and (C), relative to prison inmates; to provide for testing under certain incidents; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:739(A) and (C) are hereby amended and reenacted to read as follows:

§739. Inmate blood and saliva testing

A.(1) Any incarcerated prisoner, whether before trial, during trial, pending appeal, or after final conviction, who is housed in any jail, prison, correctional facility, juvenile institution, temporary holding center, or detention facility within the state who is involved in an incident in which another person is exposed to an infectious disease by biting, spitting, the throwing of feces, urine, blood, saliva, any form of human waste, or bodily fluid or any other incident which may cause bleeding or exposure of flesh on that other person shall submit to a test designed to determine whether the offender is infected with a sexually transmitted disease, or acquired immune deficiency syndrome (AIDS), the human immunodeficiency virus (HIV), HIV-1 antibodies, or any other probable causative agent of AIDS, viral

1 hepatitis, or other infectious disease. Each incarcerated prisoner who is involved in  
2 an incident shall be deemed to be an offender and shall be subject to testing.

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4 C. A person who has been exposed to a bite, spittle, the feces, urine, blood,  
5 saliva, any form of human waste, or bodily fluid or any other incident which may  
6 cause bleeding or exposure of flesh of an incarcerated prisoner housed in any jail,  
7 prison, correctional facility, juvenile institution, temporary holding center, or  
8 detention facility within the state shall notify by affidavit, subject to penalty for false  
9 swearing, the chief administrator of the jail or correctional facility that the exposure  
10 has occurred and the administrator shall order the testing, as provided in this Section,  
11 of each incarcerated prisoner who was involved in the incident which resulted in the  
12 exposure.

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Michael Bell.

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#### DIGEST

Present law provides that an inmate shall submit to blood and saliva testing for an infectious disease when the inmate is involved in an incident in which another person is exposed to an infectious disease by the throwing of feces, urine, blood, saliva, any form of human waste, or bodily fluid on that other person.

Proposed law retains present law and provides for the inclusion of the submission of an inmate to test for an infectious disease when the inmate is involved in an incident in which another person is exposed to an infectious disease when the inmate bites, spits or is involved in any other incident which may cause bleeding or the exposure of flesh on that other person.

Effective August 15, 2010.

(Amends R.S. 15:739(A) and (C))